

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT A. SMITH,
Plaintiff

v.

CENTURION MEDICAL., et al.,
Defendants

Case No. 2:23-cv-01030-RFB-BNW

ORDER

On July 3, 2023, Plaintiff Robert Smith, an inmate in the custody of the Nevada Department of Corrections, submitted documents titled “Injunction Preliminary/Medical Needs” and “Affidavit of Robert A. Smith, Id #57368” along with copies of prison grievances and kites. (ECF No. 1-1). Plaintiff has not filed a complaint and either paid the full \$402 filing fee or applied to proceed *in forma pauperis* in this action. The Court grants Plaintiff and opportunity to correct both deficiencies.

I. DISCUSSION

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. Loc. R. Prac. LSR 2-1. Plaintiff has not filed a complaint. His initiating documents are not on the Court’s approved civil-rights form, nor do they contain substantially all the information called for by the Court’s form.

Plaintiff also has not either paid the full \$402 filing fee or applied to proceed *in forma pauperis* in this action. This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1.

1 For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of
2 the following documents to the Court: (1) a completed **Application to Proceed in Forma**
3 **Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed
4 by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the
5 Court’s approved form, that is properly signed by both the inmate and a prison or jail official;
6 and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
7 **six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma*
8 *pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just
9 means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

10 **II. CONCLUSION**

11 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this Court
12 on or before **September 18, 2023**.

13 It is further ordered that on or before **September 18, 2023**, Plaintiff will either pay the
14 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
15 three required documents: (1) a completed application with the inmate’s two signatures on page
16 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail
17 official, and (3) a copy of the inmate’s trust fund account statement for the previous six-month
18 period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
21 refile the case with the Court, under a new case number, when Plaintiff can file a complaint and a
22 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 It is further ordered that the Clerk of the Court will send Plaintiff Robert A. Smith the
2 approved form for filing a § 1983 complaint and instructions for the same, the approved form
3 application to proceed *in forma pauperis* for an inmate along with information and instructions
4 for the same, and a courtesy copy of his initiating documents and exhibits (ECF No. 1-1).

5 DATED: July 18, 2023

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7 Brenda Weksler
8 United States Magistrate Judge
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